

BILL ANALYSIS

Senate Research Center
82R2149 JRJ-D

C.S.S.B. 200
By: Zaffirini
Higher Education
5/4/2011
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.S.B. 200 amends current law relating to reports, notices, and records required of institutions of higher education.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the attorney general is rescinded in SECTION 13 of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter C, Chapter 61, Education Code, by adding Section 61.0905, as follows:

Sec. 61.0905. EVALUATION OF REQUIRED REPORTS. (a) Requires the Texas Higher Education Coordinating Board (THECB) to consult with institutions of higher education, members of each standing committee of the legislature with primary jurisdiction over higher education, the comptroller of public accounts, the Legislative Budget Board (LBB), the Texas State Library and Archives Commission, the Texas Education Agency, and other interested state agencies and stakeholders, to evaluate the necessity of all reporting requirements applicable to institutions of higher education and create a list of those reports considered necessary.

(b) Requires THECB, not later than May 1, 2012, to submit the list of reports created under Subsection (a) to each standing committee of the legislature with primary jurisdiction over higher education with recommendations for statutory amendment regarding higher education reporting requirements, including any recommendations for eliminating duplicative requirements and streamlining reporting.

(c) Provides that this section expires September 1, 2013.

SECTION 2. Amends Subchapter H, Chapter 51, Education Code, by adding Section 51.406, as follows:

Sec. 51.406. EXPIRATION OF CERTAIN REPORTING REQUIREMENTS APPLICABLE TO INSTITUTIONS OF HIGHER EDUCATION AND UNIVERSITY SYSTEMS. (a) Defines, in this section, "university system."

(b) Provides that to the extent that any of the following laws require reporting by a university system or an institution of higher education, a university system or institution of higher education is not required to make the report on or after September 1, 2013, unless legislation enacted by the 83rd Legislature that becomes law expressly requires the institution or system to make the report:

(1) Section 7.109 (Designation As State Board For Career and Technology Education);

- (2) Section 33.083 (Interscholastic Leagues);
- (3) Section 51.0051 (Annual Operating Budgets);
- (4) Section 59.07 (Exemption From Insurance Code; Report);
- (5) Section 130.086 (Branch Campuses);
- (6) Section 325.007 (Agency Report to Commission), Government Code;
- (7) Section 669.003 (Contracting With Executive Head of State Agency), Government Code;
- (8) Section 2005.007 (Reports), Government Code;
- (9) Section 2052.103 (Reports), Government Code;
- (10) Section 2054.097 (Analysis of Information Resources Deployment Review), Government Code;
- (11) Section 2102.009 (Annual Report), Government Code;
- (12) Section 2114 (Customer Service), Government Code; and
- (13) Section 2205.041 (Aircraft Use Form), Government Code;

(c) Provides that a rule or policy of a state agency, including the Texas Higher Education Coordinating Board (THECB), in effect on June 1, 2011, that requires reporting by a university system or an institution of higher education has no effect on or after September 1, 2013, unless the rule or policy is affirmatively and formally readopted before that date by formal administrative rule published in the Texas Register and adopted in compliance with Chapter 2001 (Administrative Procedure), Government Code. Provides that this section does not apply to:

- (1) a rule or policy for which the authorizing statute is listed in Subsection (b);
- (2) a rule or policy for which the authorizing statute is repealed on or before September 1, 2013, by legislation enacted by the legislature that becomes law; or
- (3) a report required under Section 51.005 (Reports); Section 51.3062 (Success Initiative); Section 51.402 (Report of Institutional and Academic Duties); Section 56.039 (Full Use of Funds); Section 61.051(k) (relating to the flexible use of funds); Section 61.059 (Appropriations); or Section 62.095(b) (relating to the amount of restricted research funds).

SECTION 3. Amends Section 61.0582, Education Code, by adding Subsection (f), to provide that this section does not apply to a university system that maintains an ongoing system-wide capital improvement program approved by the system's board of regents.

SECTION 4. Amends Section 401.042, Government Code, by adding Subsection (c), as follows:

(c) Requires the offices of the governor and LBB, in consultation with public institutions of higher education, to review the forms for higher education legislative appropriations requests to identify opportunities to improve efficiency, provide better transparency of funding sources, eliminate unnecessary or duplicative requirements, and otherwise reduce the cost or difficulty of providing information related to appropriations requests.

SECTION 5. Amends Subchapter L, Chapter 403, Government Code, by adding Section 403.2715, as follows:

Sec. 403.2715. UNIVERSITY SYSTEMS AND INSTITUTIONS OF HIGHER EDUCATION. (a) Defines, in this section, "institution of higher education" and "university system."

(b) Provides that this subchapter, except as provided by this section, does not apply to a university system or institution of higher education.

(c) Requires a university system or institution of higher education to account for all personal property as defined by the comptroller of public accounts (comptroller) under Section 403.272 (Property Manager; Property Inventory). Requires that, at all times, the property records of a university system or institution of higher education accurately reflect the personal property possessed by the system or institution.

(d) Requires the chief executive officer of each university system or institution of higher education to designate one or more property managers. Requires the manager to maintain the records required and be the custodian of all personal property possessed by the system or institution.

(e) Provides that Sections 403.272(h) (relating to authorizing the state auditor to examine property records), 403.275 (Liability for Property Loss), and 403.278 (Transfer of Personal Property) apply to a university system or institution of higher education.

SECTION 6. Amends 2101.0115(d), Government Code, by adding Subdivision (4), to define "institution of higher education" and "university system."

SECTION 7. Amends Section 2101.0115, Government Code, by adding Subsection (e), to provide that this section does not apply to an institution of higher education or university system.

SECTION 8. Amends Section 2254.028(c), Government Code, as follows:

(c) Provides that Subsection (a), rather than Subsection (a)(3), does not apply to a major consulting services contract to be entered into by an institution of higher education other than a public junior college if the institution includes in the invitation published under Section 2254.029 a finding by the chief executive officer of the institution that the consulting services are necessary and an explanation of that finding.

SECTION 9. Amends Section 2254.0301, Government Code, as follows:

Sec. 2254.0301. CONTRACT NOTIFICATION. (a) Creates this subsection from existing text. Makes no further changes.

(b) Provides that this section does not apply to a university system or institution of higher education. Defines, in this subsection, "institution of higher education" and "university system."

SECTION 10. Amends Section 388.005(f), Health and Safety Code, as follows:

(f) Provides that the exemption provided by this section applies only while the agency or institution has an energy conservation plan in effect and only if the agency or institution submits reports on the conservation plan each year, rather than each calendar quarter, to the governor, LBB, and the State Energy Conservation Office. Makes a nonsubstantive change.

SECTION 11. Amends Section 412.053, Labor Code, by adding Subsection (c), as follows:

(c) Provides that this section does not apply to an institution of higher education or university system. Defines "institution of higher education" and "university system."

SECTION 12. Amends Section 31.153(d), Natural Resources Code, as follows:

(d) Requires each state agency, other than an institution of higher education, annually at the times set by the division, to furnish the Texas Historical Commission with a photograph and information that specified and identifies the age of each building that was acquired by the agency after the date of the preceding annual submission and that is at least 45 years old on the date of the current submission; or that is possessed by the agency and has become 45 years old since the date the information was previously submitted.

SECTION 13. Repealers: (a) Provides that the following laws are repealed, effective September 1, 2011:

(1) Section 51.403(b) (relating to requiring the chief executive officer at each institution of provide reports to its governing board concerning certain topics) and (c) (relating to reports comparing certain data), Education Code;

(2) Section 51.4033 (Report of Efforts Concerning Timely Graduation), Education Code;

(3) Section 61.0815 (Report on Higher Education Employees Serving as Expert Witnesses in Certain Suits), Education Code;

(4) Section 61.086 (Uniform Recruitment and Retention Strategy), Education Code;

(5) Section 1434.054 (Project Approval by Texas Higher Education Coordinating Board), Government Code;

(6) Section 2107.005 (Reports to the Attorney General), Government Code;

(7) Section 412.042(c) (relating to reports to the Legislative Budget Board), Labor Code; and

(8) Section 3.01(c), Chapter 670, Acts of the 72nd Legislature, Regular Session, 1991 (Article 4477-7j, V.T.C.S.).

(b) Repealers: Provides that the following provisions of the Education Code are repealed, effective September 1, 2013:

(1) Section 51.859 (Annual Reports) Education Code;

(2) Section 51.968(d) (relating to requiring institutions of higher education to submit a report to the THECB), Education Code;

(3) Section 54.203(h) (relating to requiring the governing board of each institution to submit an electronic report to THEB), Education Code;

(4) Section 56.034(c) (relating to guidelines submitted to THECB), Education Code;

(5) Section 56.079(j) (relating to requiring institutions that have work-study programs to submit a report), Education Code;

(6) Section 61.066(j) (relating to requiring THECB to submit a report to each legislative standing committee and subcommittee with primary jurisdiction over higher education), Education Code;

(7) Section 63.003(d) (relating to authorizing Baylor College of Medicine to receive funds only if the institution submits certain information to the comptroller), Education Code;

(8) Section 63.004 (Reporting Requirement), Education Code;

(9) Section 63.103 (Reporting Requirement), Education Code;

(10) Section 88.210 (Reports), Education Code;

(11) Section 106.54 (Biennial Report), Education Code;

(12) Section 142.005 (Progress Reports), Education Code;

(13) Section 147.005 (Progress Reports), Education Code;

(14) Section 148.005 (Progress Reports), Education Code; and

(15) Section 153.008 (Biennial Report), Education Code;

SECTION 14. (a) Provides that this section governs a conflict between this Act and any other Act of the 82nd Legislature, Regular Session, 2011, without regard to the relative dates of enactment.

(b) Provides that if this Act and any other Act repeal the same statute, the earlier effective date of repeal controls.

(c) Provides that if this Act amends a statute that another Act repeals, the repeal controls.

SECTION 15. Effective date: upon passage or September 1, 2011.